

**ROBERT PABALU -V- JUDITH BELEKE**

**High Court of Solomon Islands  
(Lungole-Awich, J)  
Civil Case No. 282 of 1993**

**Hearing: 14 August 1995  
Judgment: 31 January 1996**

**P Lavery for the Petitioner  
J Remobatu for the Respondent**

**JUDGMENT**

**(LUNGOLE-AWICH, J):** Mr Robert Pabalu testified to support his petition for divorce. He did not call witness. His wife, Judith Beleke also testified and in addition called one witness, Mr Nathan Mella, her father. Learned counsel Mr Lavery for Mr Pabalu had most carefully arranged his questions in examination in chief in the most systematic and logical way. For a while Mr Pabalu answered intelligibly and a story was emerging of a village young man who only a short time after marriage had to go to far away place for employment. The story unexpectedly changed before any crossexamination. Dates, even only when years were required, got mixed up and even when they were about important events such as the marriage itself and the birth of June Ann Dururaka, their daughter. Mr Pabalu would for instance say that the child was his and that he had been told it was not his child, he wanted divorce, but would be happy to have his wife Judith back with him, because their living apart was what the couple's parents wanted. He also mixed up the story about how long he stayed away without going back home and how many times he sent help to his wife. When skilful crossexamination by learned counsel Mr James Remobatu set in, nothing was left uncontradicted in Mr Pabalu's story. The only truth I would take from his story would be his name, that of his wife and child, and I do so only because they have been confirmed by the wife. He failed to prove the desertion he alleged in

his petition, and the admitted story of his girlfriend who lived with him at his place of work seemed to have come as a surprise to his counsel.

Judith Beleke's story was not without flaws, but her central story remained believable, especially when it was lent credence by the testimony of Nathan Mella, an old man who appeared to relate the story totally unguarded about what he was to say. I think that was because he was confident about the truth of it. He was the father of Judith, but said that it would be very difficult in their custom for someone to take away a wife from a husband. I concluded that he would not resist Mr Pabalu if Mr Pabalu wanted to take back his wife.

Judith was willing, at the time of trial, to go to live with the husband, Mr Pabalu, despite the presence of another woman said to be living with Pabalu at his place of work. When Mr Pabalu was asked whether he would take back his wife, he said that he was willing. So even these days when the court in this jurisdiction does not insist on very high standard of proof of divorce offences, I was left with only the conclusion that the petitioner has not proved the divorce offence of desertion. The petition of Mr Robert Pabalu, for divorce, is refused. Both parties were represented by Public Solicitors so they have not incurred any significant costs. Moreover, in view of the apparent willingness to reconcile, order for costs would not be appropriate.

**Dated this 31st day of January 1996**  
**At the High Court**  
**Gizo**

**Sam Lungole-Awich**  
**Judge**